

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

KOBIASHII JACKSON \* CIVIL ACTION

VERSUS \* NUMBER:

UNITED STATES OF AMERICA \* SECTION:

\* \* \* \* \* \* \* \* MAGISTRATE:

**COMPLAINT**

NOW INTO COURT, through undersigned counsel, comes KOBIASHII JACKSON, a person of full age of majority and resident of the Parish of Lafayette, State of Louisiana, and for his Complaint, respectfully avers as follows:

1.

**JURISDICTION**

The Court has jurisdiction in this matter pursuant to 28 U.S.C. 1331, federal question jurisdiction. This is an action brought pursuant to the Federal Tort Claims Act, 28 U.S.C. §2671, et seq.

2.

Made defendant herein is the UNITED STATES OF AMERICA, the party responsible for the tortious conduct of the Department of the Army and/or the Defense Logistics Agency and/or their employees or other persons for whom it is legally responsible and involved in plaintiff's accident.

3.

The defendant is liable to the plaintiff pursuant to the laws and statutes of the United States, including but not limited to the Federal Tort Claims Act, 26 U.S.C. § 2671, et seq., and the laws and statutes of the State of Louisiana, for the following reasons, to wit:

4.

On March 28, 2019, Kobiashii Jackson was delivering helicopter propellers to the Naval Air Station in Corpus Christi, Texas. Mr. Jackson unhooked the straps on the trailer of his 18 wheeler and a forklift operator who, on information and belief, was employed by the defendants and acting in the course and scope of his employment with the defendants, began to unload the propellers from the trailer with a forklift. In the process of unloading the propellers, suddenly and without warning and due to the negligence of the defendant and/or its employees, agents or others for whom it is legally responsible, the cargo fell off of the forklift and struck Mr. Jackson, causing him to sustain severe and disabling personal injuries.

5.

The plaintiff was in no manner negligent. The sole and proximate cause of the accident was the negligence of the defendants, their agents and employees and other persons acting in the course and scope of his employment with the defendants and/or under such other circumstances under which the defendant is legally responsible for their actions, for whom the United States of America is liable for the acts of its employees pursuant to the theory of *respondeat superior* or under other applicable law, in the following non-exclusive respects:

1. Failure to exercise reasonable care;
2. Failure to properly train employees, and/or hiring and/or retaining careless and/or unskilled employees;

3. Failure to warn the plaintiff, and failure to warn of the unsafe and hazardous conditions of the property and plaintiff's work area;
4. Failure to be attentive
5. Negligent hiring and retention of contractors and/or employees;
6. Failure to properly supervise contractors and/or employees;
7. Liability for the negligent acts of its employees pursuant to the theory of *respondeat superior*;
8. *Res ipsa loquitur*; and
9. Other acts of negligence and/or actions and/or inactions to be proven at the trial of this matter.

6.

As a result of the above described accident, plaintiff sustained severe injuries, including but not limited to possible ruptured disc and nerve damage in his lumbar spine and extremities, injuries to his head, brain, eyes and other parts of his body struck by the cargo, as well as other injuries to the bones, muscles, and joints, organs and tissues among other component parts of his head, ribs, neck, back, legs, feet, arms and hands.

7.

As a result of the above described accident, plaintiff sustained loss and damage including but not limited to past, present and future mental and physical pain and suffering, medical expenses, and income loss, and other damages allowed by law for which defendant is liable unto them and to otherwise be proven at the trial of this matter.

**WHEREFORE**, plaintiffs pray that this Complaint be deemed good and sufficient, and that after due proceedings had and the expiration of all legal delays herein, there be judgment in

favor of the plaintiff, KOBIAASHII JACKSON, and against the defendant, the UNITED STATES OF AMERICA, in damages in an amount to be determined at trial, together with interest from the date of demand until paid, and all costs of these proceedings; and for such other relief as the law and equity may provide.

RESPECTFULLY SUBMITTED:

s/ David C. Whitmore  
LAWRENCE BLAKE JONES (7495)  
DAVID C. WHITMORE (17864)  
BLAKE JONES LAW FIRM, LLC  
701 Poydras Street, Suite 4100  
New Orleans, LA 70139  
Telephone: (504) 525-4361  
Facsimile: (504) 525-4380